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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,886	01/29/2002	Shigeru Hidesawa	1080.1102	2387
21171	7590	04/10/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,886

Applicant(s)

HIDESAWA, SHIGERU

Examiner

Emmanuel Coffy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2006 has been entered.

Claims 1-36 directed to a "Server Machine, Client Machine, Server Storage Program, Client Storage Medium, Service Providing Method, and Service System."

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. A suggested title follows: "Service Providing Method and System".

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive. Applicant arguments revolve around the following central issues:

a) Failure to teach all limitations:

Applicant asserts that neither Sullivan or Friedland taken individually or in combination teach or suggests: "displaying a point value sequentially changing independently from one or more other client machines";

The Examiner respectfully disagrees. Applicant is directed to col. 2, lines 32-35; lines 59-63; col. 3, lines 32-37. It is rather obvious from the foregoing that Friedland

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does unequivocally and transparently disclose “displaying a point value sequentially changing (decrease) independently from one or more other client machines”;

b) Failure to provide a motivation to combine:

The Examiner fails to explain how combining an on-line auction system with a customer support system would indicate ‘the ranking of a client”;

In response to Applicant’s argument, the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971).

c) Reliance on non-analogous art

The mere fact that two systems involve the Internet or client servers does not make the systems analogous.

In response to Applicant’s argument that the mere fact that two systems involve the Internet or client servers does not make the systems analogous, it has been held that the determination that a reference is from an analogous art is two fold. First, we decide if the reference is within the field of the inventor’s endeavor. If it is not, we proceed to whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. In re Wood, 202 USPQ 171, 174. In this case, the two references provide services over the Internet, Sullivan provides customer support to consumers which is a service and Friedland teaches a method for efficiently monitoring a live auction, distributing real-time information concerning the live auction to remote bidders which is also a service.

In view of such, the rejection is therefore sustained and maintained as follows.
The dependent claims stand rejected as articulated in the last Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (US 6,615,240) in view of Miller (US 6,450,500).

Sullivan teaches the invention substantially as claimed including a method for automated technical support in a computer network having a client machine, and at least one server from which help is available. (See abstract)

As to claims 1, 7, 14, 20, 27 and 32 Sullivan teaches a client machine, a server machine, a client program, a server program, a service providing method and a service system comprising "the client" (Fig. 1, index 10) "a server (Fig. 1, index 12), "a communications line (Fig. 1, index 14), "providing a regular service (Fig. 4, index 60), "a tentative service utilization (Fig. 4, index 74); a regular service utilization procedure (Fig. 4). Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value based on price of an item. (See col. 2, lines 12-19.)

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 2, 15, 25, 29, 31, 33:

The client machine, client program, service system according to claims 1, 14, 20, 32, wherein said point value display section displays a point value sequentially increasing as time passes by when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially increasing as time passes by at col. 2, lines 32-35; lines 59-63; col. 3, lines 32-37 and col. 7, lines 4-20.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 3, 13, 16, 26, 31, 34:

The client machine, client program, service system according to claims 1, 7, 14, 20, 32, wherein said point value display section displays a point value sequentially decreasing as time passes by when said tentative service utilization section is utilizing

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said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially decreasing as time passes by at col. 2, lines 8-11; See also col. 5, lines 16-40. (As lots are sold, the number of available lots decreases sequentially)

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 4, 11, 12, 17, 24, 35:

The client machine, client program, service system according to claims 1, 7, 14, 32, further comprising a point value updating section for sequentially updating a point value displayed at said point value display section when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially decreasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the

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status of a client by indicating the ranking of the client.

Claims 5, 18:

The client machine, client program, service system according to claims 1, 14 wherein said point value display section is adapted to receive and display a sequentially updated point value transmitted from said server machine when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially increasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 6, 19:

The client machine, client program, service system according to claims 1, 14, comprising a regular service utilization section for continuing utilization of a regular service provided by said server machine after procedure steps are taken at said regular service utilization procedure section.

Sullivan fails to disclose a regular service utilization section. However, Friedland discloses such section at col. 8, lines 51-67.

Sullivan and Friedland are analogous art because they both involve client server

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system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 8, 21:

The client machine, client program, service system according to claims 7, 20, wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular service utilization procedure accepting section.

Sullivan fails to disclose a service utilization procedure section. However, Friedland discloses such section at col. 9, lines 1-21.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 9, 22:

The client machine, client program, service system according to claims 7, 20 wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular

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service utilization procedure accepting section and give a point value for providing an additive service corresponding to an utilization situation of the regular service and also give as an initial value the point value that corresponds to the tentative service provided by said tentative service providing section for a time lapse up to a moment when the procedure made by the client machine was accepted by said regular service utilization procedure accepting section.

Sullivan fails to disclose the recitations of above claims. However, Friedland discloses such recitations at col. 8, lines 10-50.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 10, 23:

The client machine, client program, service system according to claims 7, 20 wherein: said client machine is adapted to sequentially update the point value as time passes by when utilizing the tentative service provided by said tentative service providing section; said regular service utilization procedure accepting section is adapted to accept a procedure for utilizing the regular service that is made by the client machine provided with the tentative service by said tentative service providing section and also accept the point value updated by said client machine at a moment when said

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procedure was accepted; and said regular service providing section is adapted to provide the service corresponding to the point value accepted by said regular service utilization procedure accepting section to the client machine whose procedure was accepted by said regular service utilization procedure accepting section.

Sullivan fails to disclose the recitations of above claims. However, Friedland discloses such recitations at col. 8, lines 10-50.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claim 28:

The service providing method according to claim 27, wherein information about said tentative service utilization time lapse is displayed at said user machine.

Sullivan fails to disclose the recitation of above claim. However, Friedland discloses such recitation at col. 14, lines 18-22. ("last chance")

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the

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status of a client by indicating the ranking of the client.

Claim 36:

The client machine according to claim 1, wherein said tentative service is a non-chargeable tentative service and said regular service is a chargeable regular service.

Sullivan fails to disclose the recitation of above claim. However, Friedland discloses such recitation at col. 11, line 60-line 12, line 4. ("sign-up" is non-chargeable tentative service and "approved" is a chargeable regular service).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the registration transaction disclosed by Friedland because such system would provide for the registration of customers and eventual access to the service provided.

CONCLUSION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

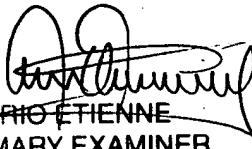
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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Emmanuel Coffy
Patent Examiner
Art Unit 2157

EC
March 30, 2006



ARIO ETIENNE
PRIMARY EXAMINER